

THE REMARKS

In response to the restriction requirement, Applicants are electing Group III, Claim 14, drawn to a method of selecting for a transgenic plant or portion thereof comprising a coding region of interest, with traverse, because Group I-IV are not distinct inventions.

Applicants respectfully traversed the restriction among Group I-IV for the following reasons.


Claims 1-19 (Group I-IV) are not separate inventions as these claims are directed to a method for selecting a plant using a combination of two nucleotide sequences, with one of the sequences comprising a coding region of interest. Examiner acknowledges that Claims 1-19 are all drawn to the same subject matter, i.e., a method of selecting for a plant that comprises a coding region of interest. The Examiner has classified Claims 1-19 in class 800. Furthermore, the Examiner has classified Claims 11-19 (Groups II-IV) in the same subclass 278. Therefore, the reasoning behind the restriction among Group I-IV appears arbitrary.

Furthermore, Claims 1-19 are directed to selecting a plant that comprises any coding region of interest. The invention is not limited on the coding region of interest; rather, the invention resides in the combination of elements within the two nucleotide sequences that can be used for selecting the plant. The suggestion by the Examiner that the claims of Group I be restricted to a single first coding regions, a single repressor and operator sequence combination, and a single protein is unreasonable and does not take into account the nature of the invention. The argument that the proteins encoded by the first coding region are different from each other, and require different searches is unreasonable. The present invention does not reside only in the specific proteins used; the invention resides in the combination of elements within the two nucleotide sequences that can be used for selecting the plant, which appears to be overlooked by the Examiner.

Therefore, Applicants respectfully request that the Examiner withdraw the restriction requirements among Group I-IV, and within Group I.

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Respectfully submitted,



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